

REMARKS

The Examiner has stated that claims 1-6, 10-18 and 20-25 are pending in the application. However, Applicants note that claims 1-4, 6-18 and 20-25 are now actually pending in the application. Claims 22-25 have been allowed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

SPECIFICATION

The specification stands objected to under 35 U.S.C. 132 for introduction of new matter. Applicants respectfully disagree with Examiner's statement that new matter has been added into the disclosure of the invention. Applicants note that the specification as originally filed includes the disclosure of an impermeable separator plate. Specifically, Applicants note that the specification provides "an impermeable separator plate which contains the coolant and separates the anode and cathode gas streams" (paragraph 42). Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-6, 10-18, 20 and 21 stand rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. As previously stated, Applicants note that the specification as originally filed includes the disclosure of an impermeable separator plate. This rejection is respectfully traversed.

Claims 1-6, 10-18, 20 and 21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the

subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

At the outset, Applicants note that the specification recites materials to which the separator plate should be impermeable. The specification states that the “separator plate contains coolant and separates the anode and cathode gas streams” (paragraph 42). Applicants note that coolant can include a variety of formulations, ranging from water to some combination of chemicals comprising one of the many coolants commonly found in the art. Applicants further note that the separator plate is impermeable to the cathode and anode gas streams. Therefore, Applicants assert that the specification defines the separator plate as impermeable to coolant and reactant gases. As such, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejections based on indefiniteness.

REJECTION UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 3, 13, 15 and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cipollini (U.S. Pat. No. 6,258,476, hereinafter Cipollini). Claims 2, 4, 9, 10, 14, 16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cipollini. These rejections are respectfully traversed.

At the outset, Applicants submit that Cipollini teaches the use of a permeable separator plate. This is evidenced by the ability of water to pass through the walls of the coolant water channel. Cipollini requires permeability of the separator plate for the invention to function as intended. The separator plate disclosed in claim 1 of the present invention is impermeable so as to prevent water and gas from passing therethrough.

The Examiner notes that the plate in Cipollini may become impermeable to reactant gases once placed in contact with water, thereby filling the pores with water and making the plate non-porous in operation. Applicants respond that the structure of the separator plate disclosed in the present invention is simply not disclosed by Cipollini. Applicants note that the structure of the plate in Cipollini is porous and therefore permeable. Cipollini requires water to pass through pores located within the plate to create an "impermeable plate." The fact that water passes into the plate evidences the fact that the plate is both porous and permeable. The present invention will not permit water to pass because the plate of the present invention lacks the porous composition of the Cipollini plate. The specification of the present invention specifically notes the separator plate's impermeability to coolant, which could reasonably include water, and reactant gasses. Applicants note that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Cipollini discloses neither a non-porous plate nor an impermeable plate. Specifically, Cipollini fails to disclose a separator plate that is impermeable to coolant. If the separator plate disclosed in Cipollini were impermeable to coolant, the invention would not function as intended. Applicants further note that the plate in Cipollini could not be constructed in the manner disclosed if it were impermeable to coolant, due to its porous composition.

Claim 1 recites a non-porous impermeable separator plate which as discussed above is not disclosed by Cipollini. Claims 2-4, 9, 13 and 15-18 depend from claim 1

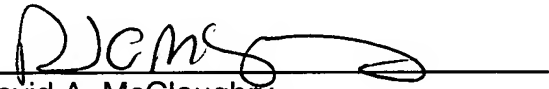
and are distinguished from Cipollini for the reasons mentioned above. In view of the foregoing amendments and remarks, reconsideration and withdrawal of the prior art rejections is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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